

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PLANNED PARENTHOOD SOUTHWEST
OHIO REGION, et al.

Plaintiffs,

v.

RICHARD HODGES,

Defendant.

Case No.: 1:15-cv-568

Judge Michael R. Barrett

JOINT MOTION TO STAY PROCEEDINGS

On October 16, 2020, the U.S. Court of Appeals for the Sixth Circuit upheld a Kentucky law requiring abortion facilities to obtain written transfer agreements with a hospital and transport agreements with an ambulance service. *EMW Women's Surgical Center, P.S.C. v. Friedlander*, No. 18-6161, 2020 WL 6111008 (6th Cir. Oct. 16, 2020). In doing so, it applied a new standard of review for abortion restrictions. Plaintiffs-Appellees in that case will seek rehearing from the en banc court of appeals, and their petition is due November 20, 2020.

The parties in this case are scheduled to exchange expert reports no later than November 5, 2020. However, because the ultimate outcome of *EMW Women's Center* and of any subsequent proceedings may affect this Court's analysis and decision in the instant case, both Plaintiffs and Defendants jointly move this Court to stay these proceedings while the appeal in *EMW Women's Center* remains pending.

The parties agree to meet and confer regarding the status of this case (1) within ten days after the time for filing a petition for certiorari to the U.S. Supreme Court in *EMW Women's Center* has elapsed, if no petition is filed; or (2) if a petition for certiorari is filed, within ten days

of the denial of that petition or, if certiorari is granted, within ten days of the final resolution of the Supreme Court merits proceedings. The parties agree to seek a status conference with this Court immediately after they have met and conferred.

A proposed order is attached.

November 3, 2020

Respectfully submitted,

/s/Jennifer L. Branch

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CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Southern District of Ohio by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/Jennifer L. Branch
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Trial Attorney for Plaintiffs

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ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS

The Court, having considered the parties' Joint Motion to Stay Discovery (Doc. __) pending final disposition of all appeals and petitions for certiorari in *EMW Women's Surgical Center, P.S.C. v. Friedlander*, No. 18-6161, hereby ORDERS that the motion is GRANTED.

The parties shall meet and confer regarding the status of this case (1) within ten days after the time for filing a petition for certiorari to the U.S. Supreme Court in *EMW Women's Center* has elapsed, if no petition is filed; or (2) if a petition for certiorari is filed, within ten days of the denial of that petition or, if certiorari is granted, within ten days of the final resolution of the Supreme Court merits proceedings. The parties shall contact the Court to schedule a status conference immediately after they have met and conferred.

IT IS SO ORDERED.